

EXHIBIT C

From: Louis Bullock
Sent: Tuesday, January 06, 2009 12:03 PM
To: Jorgensen, Jay T.; David Page; David Riggs; Daniel Lennington; Kelly Burch ; Trevor.Hammons@oag.ok.gov; Richard Garren; Bob Blakemore; Bob Nance; Baker, Fred; Elizabeth Claire Xidis; Elizabeth Ward
Cc: KC Tucker; robert.george@tyson.com; Leslie J. Southerland; John Elrod; John Tucker; James Graves; Griffin, Jennifer; Sanders
Subject: RE: Meet and confer

Jay:

There are a number of issues that need to be addressed in a meet and confer in addition to the ones which you mentioned. First, in connection with your request for the documents related to the articles prepared by Harwood and Olsen, we need to discuss how we can protect the scientific process and provide to Defendants the documents which you have requested in a timely manner. We also need to complete our meet and confer on Defendants' production of scientific data and information related to environmental sampling. When we discussed this issue in December, you promised to check on the extent of any testing by Defendants. Since then we have not heard any more on this. We need to complete that discussion. We should also have a meet and confer relating to my letter of January 5, 2009 concerning the problems with the considered materials that were to be submitted with Defendants' expert reports. Finally, on my list, is Plaintiff's request for permission to file a supplemental report by Drs. Cook and Welch regarding sampling of the lake this past summer. I addressed this in an e-mail to Mr. George. He responded that he needed to confer with other counsel and I have heard nothing further concerning the Defendants' position regarding such a motion.

As for the other matter which you have raised, the issue of the production of a report by Harwood regarding testing which she did on or about April 2008, as I believe the record reflects, that testing was done by Dr. Harwood as a matter of intellectual curiosity and not at the request or even the knowledge of the State or its lawyers. We first learned of the testing at the time of Dr. MacBeth's deposition and after that we requested that Dr. Harwood do a report about the testing. Up until that point, no report had been prepared and therefore it could not be produced. As such, contrary to your assertion the report has not existed since "on or about April 2008." That report has been produced as part of our production of scientific data. It is bates numbered STOK0058111-0058114.

Given the number of issues which we have to discuss we will probably need an hour, perhaps more. I suggest anytime Friday or Monday. Please let me know your preference.

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From: Jorgensen, Jay T. [mailto:jjorgensen@sidley.com]
Sent: Sunday, January 04, 2009 5:28 PM
To: David Page; Louis Bullock; Louis Bullock; David Riggs; Daniel Lennington; Kelly Burch ; Trevor.Hammons@oag.ok.gov; Richard Garren; Bob Blakemore; Bob Nance; Baker, Fred; Elizabeth Claire Xidis; Elizabeth Ward
Cc: KC Tucker
Subject: Meet and confer

Colleagues,

In April 2008, Defendants served discovery on Plaintiffs requesting production of all correspondence, drafts, etc. pertaining to any manuscript, article, poster, etc submitted to any journal or other publication by Plaintiffs' experts. It appears that for many months Plaintiffs have withheld materials that should have been produced under that discovery. The withheld information relates both the Drs. Olsen and Harwood. I have written to you about this issue several times since December 20, but have not received the courtesy of a single response.

Additionally, on December 20 I noted that Plaintiffs had withheld documents from Dr. Harwood's testing. These documents were apparently created on or about April 2008. Defendants have written to you several times about these

2/23/2009

documents, but have not received any response.

Also, I believe KC Tucker has been trying to schedule a meet-and-confer with Trevor Hammons for quite some time on additional materials that Plaintiffs have withheld.

Please let KC or me know a time this coming week when you can meet and confer with the Defendants on these issues. Defendants would like to resolve these issues without bothering the court. However, if you continue to ignore our messages on these issues we will be forced to treat that as a refusal to discuss the matters.

Jay

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